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09/851,488	05/08/2001	Gene Williams	2001-1400-RA	3797
30184	7590	07/23/2004	EXAMINER	
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339			AU, SCOTT D	
		ART UNIT	PAPER NUMBER	
		2635	7	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/851,488	WILLIAMS, GENE
	<b>Examiner</b>	Art Unit
	Scott Au	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 03 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3,4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4 and 6-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment B, which is filed May 3, 2004.

An amendment B to the claims 1 and 3-21 have been entered and made of record in the Application of Williams for a "Motion activated communication devices" filed May 8, 2001.

Claims 1, 3-4 and 6-21 are pending.

Claim 5 is cancelled.

#### ***Claim Objections***

Claim 2 is objected to because of the following informalities: Claim 2 is previously canceled on the First Office Action. Therefore, the claim is no longer considered. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Claim 6 is dependent upon claim 5 which have been cancelled. Therefore, the claim is incomplete. Examiner suggests as claim 6 is dependent upon claim 1.

***Response to Arguments***

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 1, 3-4 and 6-21, filed on May 3, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On pages 14-15, Third paragraph, Applicant's argument that the prior art fails to suggest "that the voice control system is capable of recognizing and interpreting a plurality of voice commands and of directing the microprocessor in accordance with the control objective of each said voice command" according to claim 5, is not persuasive.

Knuth et al. disclose the telephone answering device of the present invention detects the user's presence as the user enters the room, and having detected the user's presence, informs the user if and only if there were any incoming messages waiting to be heard. The user can verbally, by voice command, tell the telephone answering device to play, repeat, save or erase the incoming messages, without ever touching, or even looking at the telephone answering device (col. 2 lines 7-16). Knuth et al. further disclose the scenario when the user enters his home with a bag of groceries in each arm. He proceeds directly to the kitchen in order to set them down. As he walks in front of the telephone answering device it recognizes the presence of the owner: TAD:

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"Hello, you have three messages." "Should I play your messages?" Owner: "Yes."

(As he begins to put groceries away.) TAD: "I will save your messages.

"(telephone answering device rewinds and plays the messages as the owner listens, while continuing to put away groceries.) TAD: "This was your last message." (After playing the last message) "Should I play your messages again?" Owner: "NO." TAD: "Should I erase your messages?" Owner: "No." (He may want to hear them later, perhaps to write down a telephone number). TAD: "I will save your messages." (Confirmation).

The user then has the option to return to the telephone answering device later and listen to his messages using normal push button control. He could just as easily have said "YES" to erase the incoming messages and been done for the day (col. 4 lines 33-58). Examiner interprets the "YES" and "NO" as the voice commands and the TAD receives and interprets the voice commands in accordance with a control objective of each said voice command.

On page 17, second paragraph, Applicant's argument that the prior art fails to suggest "all the claim limitations of the amended claim 21", is not persuasive.

Hartstein discloses the computer portion of the present invention includes an otherwise conventional computer 30, for example a laptop computer (i.e. a laptop computer is a portable, dedicated communication system), which includes a first panel containing the screen 33 and a second panel which contains the keyboard 34 and CPU 46 (col. 2 lines 56-63; see Figure 3). Hartstein further

discloses the computer system 30 is a laptop style computer which has a first compartment 32 which contains the screen and which is located inside the recessed well 22. Hingedly connected to it is the keyboard 34 which is shown in its swung open position and which can optionally rest against the supporting ledge 36 at the bottom of the recessed well 22 for providing just the correct angle for comfortably typing instructions or commands into the computer. Preferably, the height of the computer is at from 4 to 5 1/2 feet above ground level 38. The computer system 30 is selected to place at the recessed well 22. This meets the amended limitation "(a') selecting a location for placement of said communication system".

On page 18, first paragraph, Applicant's arguments with Knuth et al. in view of Duncan and further in view of Irribarren did not establish obviousness to combine according to claim 14.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Knuth et al. disclose the telephone answering device of the present invention detects the user's presence as the user enters the room, and having detected the user's presence, informs the user if and only if there were any incoming messages waiting to be heard. The user can verbally, by voice command, tell the telephone answering device to play, repeat, save or erase the incoming messages, without ever touching, or even looking at the telephone answering device (col. 2 lines7-15).

In the same field of endeavor of recording device, Duncan discloses the recording system when a call is received, the telephone receiver is taken off the hook and the caller is asked if they would like to leave an electronic message. If the caller decides to leave an electronic message, the record function is initiated by the answering party via a record button physically provided on the system, by a keystroke sequence on the telephone station set keypad, or by voice command (i.e. see Abstract).

Duncan further discloses the message counter 112 is then incremented by the control unit 104 in order to keep count of the total number of messages stored in the system. The counter 112 may be implemented in hardware, for example by an up/down counter, or in software utilizing the table containing the message-start locations and a special counter memory location.

For voice command control, in the preferred embodiment, the control unit contains additional software and circuitry or system components for voice recognition. In a preferred embodiment, a speaker-independent Hidden Markov

Model (HMM)-type automatic speech recognition (ASR) system is used, involving the extraction of a particular predetermined set of features from the incoming speech, performing statistical analysis on the extracted features, and obtaining various resultant parameters for comparison to a standard. If the resultant parameters are within a predetermined tolerance, the incoming command is translated to a prestored electronic signal that is then communicated to the rest of the system. HMM can be implemented through software embedded in the control unit or in a separate unit (col. 4 lines 8-29).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to understand that the message counter of Duncan is desirable in the telephone answering device of Knuth et al. with the motivation for doing so would all the device with an audio indication of messages stored within.

However, Knuth et al. in view of Duncan did not explicitly disclose the voice mail system interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of voice mail system, Irribarren discloses a communication system for verbal telephonic communication comprising a voice message system for storing and retrieving voice messages integrated with a computer database accessing system for storing and retrieving text messages from a separate computer system and for converting the text messages into voice messages (col. 3 lines 7-13). Irribarren further discloses after the user has logged into the voice message system 500 by entering their voice mailbox

number and password 502, the voice message system 102 informs the user of the number of text, voice, or FAX messages 504 which are stored and how many have not been played previously. The prompt menu 506 enables the user to connect to the text message system 100 by depressing a single touchtone key or remain within the voice message system 102 to manipulate voice messages and facsimile messages as described previously. Boxes 505 and 507 shown in FIG. 4 list the primary functions of the voice message system 102.

Upon depression of the special key, e.g., the "#" key, communications system control is passed to the microprocessor or microprocessors 414 in the text message system 100 via the network, step 508. Alternatively, the system can be configured such that control is passed automatically, without user action, upon call connection to the voice message system 102 (col. 6 line 57 to col. 7 line 7; see Figures 1-4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to understand that the voice mail system interface enabling said microprocessor (414) to utilize an external telephone line to access and operate the voice mail system is desirable in the voice system of Knuth et al. in view of Duncan with the motivation for doing so would allow the user to access the voice message system from different telephone lines.

On page 18-19, second paragraph, Applicant's arguments that Irribarren did not describe or suggest the conversion of audible commands into corresponding tone frequencies of a telephone keypad, even one if one

combined with Knuth et al. in view of Duncan and Irribarren would not arrive at Application's invention of claim 15, is not persuasive.

In response to Applicant's argument, Examiner agree that Irribarren fail to teach the limitation, "the conversion of audible commands into corresponding tone frequencies of a telephone keypad". In view of Duncan, Duncan discloses the conversion of audible commands into corresponding tone frequencies of a telephone keypad (col. 2 lines 12-20 and col. 4 lines 55-65). Duncan discloses the message play function is activated when the control unit 202 receives the play electronic signal generated either by a button physically located on the system, by a particular series of strokes on the telephone dial keypad, or by translation from a voice command. The particular series of keystrokes of a telephone dial (not shown), typically of the dual tone frequency type, are converted to signals for reception and decoding by tone receivers (not shown in FIG. 1 or 2), for example, of telephone service provider apparatus and whose decoded values are reported to control unit 104, 202.

On page 19-20, third paragraph, Applicant's argument that "the device of Ito et al. is clearly unlike Application's device and there is no motivation or suggestion in any of the cited patents to make a combination", is not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and

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secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Knuth et al. disclose the telephone answering device of the present invention detects the user's presence as the user enters the room, and having detected the user's presence, informs the user if and only if there were any incoming messages waiting to be heard. The user can verbally, by voice command, tell the telephone answering device to play, repeat, save or erase the incoming messages, without ever touching, or even looking at the telephone answering device (col. 2 lines7-15).

In the same field of telephone system, Ito et al. disclose the microphone is provided in place of the speaker 41 of a sound radiating device for announcing an arrival of a call or an electronic mail (i.e. see Paragraph 69 page 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to understand that the method of announcing the arrival of call or electronic mail of Ito et al. is desirable in the electronic answering device of Knuth et al. with the motivation for doing so would allow the user the arrival of electronic mails.

In the same field of endeavor of retrieving message system, Irribarren discloses a network 200 is disposed between a computer database accessing means for storing and retrieving text messages and a voice message means for

storing and retrieving voice messages (voice message system 102) Interface apparatus 202, 204, 206, 208 for connecting each system to the telephone lines, i.e., linecards 204, 206, TTS 202, and FAX input/output ports 208, are connected together such that a single telephone line 210 may access both systems. In the depicted preferred embodiment, the computer database accessing means is a text message system 100 accessing a host computer 108 resident electronic mail system. Alternatively, the user, in addition to accessing electronic mail, can access specific database information that is stored in a text format. Additionally, the host computer system 108 does not have to be maintained as an external unit, but can be integrated into the text message system 100.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to understand that retrieving messages of Irribarren is desirable in the messaging system of Knuth et al. in view of Ito et al. with the motivation for doing so would allow the user to access both text and electronic mail system.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth et al. (US# 5,406,618).

Referring to claim 1, Knuth et al. disclose a communication system for managing messages, comprising:

means (32) (i.e. record and playback means) for retrievably storing at least one message;

means (32) (i.e. record and playback means) for retrieving said at least one message;

means (26) (i.e. audio control circuitry) for transmitting said at least one message to a user (col. 3 lines 1-42; see Figure 1); and

at least one motion detector (42) (i.e. proximity sensor) for detecting motion within a selected range of said communication system, wherein said means (32) (i.e. record and playback means) for retrievably storing said message, said means (32) (i.e. record and playback means) for retrieving said message and said means (26) (i.e. audio control circuitry) for transmitting said message to a user are in communication with said at least one motion detector (42) (i.e. a proximity sensor), and wherein said at least one motion detector (42) (i.e. a proximity sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message, wherein a voice control system receives, recognizes and interprets a plurality of voice commands and directs a

microprocessor in accordance with a control objective of each said voice command (col. 2 lines 7-19, col. 3 lines 1-32 and col. 4 lines 33-58; see Figure 1).

Referring to claim 3, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said at least one motion detector is an infrared radiation detector (col. 3 lines 30-32).

Referring to claim 4, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said at least one motion detector is an optical system (col. 3 line 25).

Referring to claim 6, Knuth et al. disclose the communication system for managing messages of claim 1 above, wherein said microprocessor (18) utilizes a software programmed vocabulary to execute said control objective of each said voice command (col. 4 lines 31-65).

Referring to claim 8, Knuth et al. disclose the communication system for managing messages of claim 1 above, further comprising a timer apparatus, wherein operation of said at least one motion detector is limited to a specified interval of said timer apparatus (col. 5 lines 14-17).

Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Hartstein (US# 6,483,695).

Referring to claim 21, Hartstein discloses a method of managing electronic messages, comprising the steps of:

a. obtaining a portable, dedicated communication system for managing messages, comprising means (i.e. a memory) for retrievably storing at least one message (col. 3 lines 3-6; see Figures 4A and 4B); means (52) (i.e. speech recognition circuit) for retrieving said at least one message; means (50) (i.e. speech synthesizer circuit) for transmitting said at least one message to a user (col. 3 lines 3-6; see Figures 4A and 4B); and at least one motion detector (64) (i.e. motion sensor) for detecting motion within a selected range of said communication system, wherein said means (i.e. a memory) for retrievably storing said message, said means (52) (i.e. speech recognition circuit) for retrieving said message and said means (50) (i.e. speech synthesizer circuit) for transmitting said message to a user are in communication with said at least one motion detector (64) (i.e. motion sensor), and wherein said at least one motion detector (64) (i.e. motion sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message (col. 3 lines 1-46; see Figures 3-4B);

a'. selecting a location for placement of said communication system (col. 2 lines 56-63; see Figure 3);

- b. retrievably storing a message (col. 3 lines 1-10);
- c. detecting the presence of a user via said motion detector (col. 3 lines 32-37); and
- d. transmitting said message to the user (col. 3 lines 1-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852).

Referring to claim 9, Knuth et al. disclose the communication system for managing messages of claim 1 above. Knuth et al. disclose wherein said means (32) (i.e. record and playback means) for retrievably storing at least one message is a recording unit, said recording unit enabling receipt, storage and playback of a plurality of messages (col. 3 lines 1-9; see Figure 1);

and wherein said means (32) (i.e. record and playback means) for retrieving said at least one message and said means (32) (i.e. record and playback means) for transmitting said at least one message to a user comprise a microprocessor (32) (i.e. microprocessor), wherein said microprocessor (32) receives said signal from said at least one motion detector (42) (i.e. proximity sensor) and wherein said microprocessor (32) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) (i.e. microphone) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30) (i.e. a speaker), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of said recording unit (32) (i.e. record and playback unit), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system (36) and audibly communicates each message of said plurality of messages received and stored by said recording unit (32) (col. 2 line 60 to col. 3 line 32; see Figures 1-2).

However, Knuth et al. did not explicitly disclose a message monitoring means.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means (112) (i.e. a message counter) (col. 4 lines 8-11; see Figures 1-2) in order to keep count of the total number of messages stored in the system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a message counter disclosed by Duncan into electronic answering device of Knuth et al. with the motivation for doing so would allow the count of messages stored in the system.

Referring to claim 10, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Duncan discloses further wherein said message monitoring means is an event counter (112) (i.e. a message counter), wherein said event counter increases by an incremental unit for each said message of said plurality of messages received and stored by said recording unit, and wherein said event counter decreases by said incremental unit for each said message of said plurality of messages deleted from said plurality of messages received and stored by said recording unit (col. 4 lines 8-11; see Figures 1-2).

Referring to claim 12, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Knuth et al. disclose wherein said recording unit receives each said message of said plurality of messages at least from incoming telephone messages (col. 2 lines 10-15).

Referring to claim 13, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 9, Knuth et al. disclose

wherein said recording unit receives each said message of said plurality of messages at least from said microphone (col. 3 lines 10-16).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Duncan (US# 5,949,852) as applied to claim 10 above, and further in view of Van Ryzin et al. (US# 6,353,659).

Referring to claim 11, Knuth et al. in view of Duncan disclose the communication system for managing messages of claim 10 above. However, Knuth et al. in view of Duncan did not explicitly disclose wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit.

In the same field of endeavor of answering machine apparatus, Van Ryzin et al. disclose wherein said voice control system, said recording unit (28) (i.e. recording and reproducing device), said microprocessor (12) (i.e. processor), said speaker (32) (i.e. speaker) and said event counter (34) (i.e. counter) are within an circuit (col. 3 lines 8-23; see Figure 1) of a message machine apparatus (10) in order to record and reproduce messages.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit of message machine apparatus (10) disclosed by Van Ryzin et al. into electronic answering device of Knuth et al. in

view of Duncan with the motion for doing so would allow more convenience, less space and cost to produce an answering device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 7, Knuth et al. disclose the communication system for managing messages of claim 1 above. However, Knuth et al. did not explicitly disclose wherein each said message of said plurality of messages may be delivered to a user at a designated date.

In the same field endeavor of reminding message system, Hartstein teaches wherein each said message of said plurality of messages may be delivered to a user at a designated date (col. 4 lines 20-23) in order to remind a person on that specific date and time of a plan or event.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include plurality of messages may be delivered to a user at a specific date and/or time disclosed by Hartstein into electronic answering device of Knuth et al. with the motion for doing so would allow the message to play on that date and time to remind the user of his/her plan.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852) and Irribarren (US# 5,349,636).

Referring to claim 14, Knuth et al. disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (32) (i.e. record and playback means) for retrieving said message and said means (32) (i.e. record and playback means) for transmitting said message to a user comprise a microprocessor (18) (i.e. microprocessor), wherein said microprocessor (18) receives said signal from said at least one motion detector (42) (i.e. proximity sensor), wherein said microprocessor (18) includes communication software (i.e. user and device used communication software to communicate to each other) for controlling communications in a telephone system (col. 4 lines 5-50), and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of a voice mail system (i.e. see Figure 1), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system and audibly communicates each message of said plurality of messages received and stored

by the voice mail system (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth did not explicitly disclose a message monitoring means, wherein said message monitoring means responds to an audible indicator of the voice mail system to indicate the presence of at least one message received and stored by the voice mail system, and wherein said voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means, wherein said message monitoring means (112) (i.e. a counter) responds to an audible indicator of the voice mail system to indicate the presence of at least one message received and stored by the voice mail system (col. 3 line 66 to col. 4 line 14) in order to count the total of messages stored in the memory.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the message counter to keep count of the total number of messages stored in the system disclosed by Duncan into electronic answering device of Knuth et al. with the motion for doing so would allow the device with an audio indication of messages stored within.

However, Knuth et al. in view of Duncan did not explicitly disclose wherein said voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of voice message system, Irribarren teaches voice mail systems interface enabling said microprocessor (414) to utilize an external telephone line to access and operate the voice mail system (col. 6 lines 57 to col. 7 line 7; see Figure 4) in order to access the voice mail from the phone line.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system disclosed by Irribarren into voice system of Knuth et al. in view of Duncan with the motivation for doing so would allow the user to access the voice message system from different telephone lines.

Referring to claim 15, Knuth et al. in view of Duncan and further in view of Irribarren disclose the communication system for managing messages of claim 14, Duncan discloses wherein said microprocessor (414) converts said commands received from said voice control system into corresponding tone frequencies of a telephone keypad (col. 2 lines 12-20 and col. 4 lines 55-65).

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) as applied to claim 1 above, and further in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636).

Referring to claim 16, Knuth et al. disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (i.e. record and playback unit) for retrieving said message and said means (i.e. record and playback unit) for transmitting said message to a user comprise a microprocessor (18), wherein said microprocessor (18) receives said signal from said at least one motion detector (42) (i.e. proximity sensor) and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42) (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth et al. did not explicitly disclose wherein said speaker audibly announces information regarding status and operation of an electronic mail system, and wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said

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computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of electronic mail notification device, Ito et al. teach wherein said speaker audibly announces information regarding status and operation of an electronic mail system (page 5, paragraph 69) in order to hear the announcing of a call or an electronic mail.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a speaker audibly announces information regarding status and operation of an electronic mail system disclosed by Ito et al. into electronic answering device of Knuth et al. with the motion for doing so would allow the user the arrival of electronic mails.

However, Knuth et al. in view of Ito et al. did not explicitly disclose wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of retrieving message system, Irribarren teaches wherein said speaker is responsive to said microprocessor (404) (i.e. microprocessor) via said voice control system (500) (i.e. voice message system)

and audibly communicates each message of said plurality of messages received and stored (i.e. in CPU memory 420) by the electronic mail system (500) (col. 6 line 57 to col. 7 line 23); and message monitoring means, wherein said message monitoring means (504) (i.e. means indication of number of messages) responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface (108) (i.e. host computer), said computer unit interface (108) enabling said microprocessor (414) to access and operate the electronic mail system (col. 3 line 55 to col. 4 line 5 and col. 7 lines 1-4; see Figures 2-5) in order for the user to have both options of text and voice message access.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system disclosed by Irribarren into messaging system of Knuth et al. in view of Ito et al. with the

motivation for doing so would allow the user to access both text and electronic mail system.

Referring to claim 17, Knuth et al. in view of Ito et al. and further in view of Irribarren disclose the communication system for managing messages of claim 16. Irribarren discloses wherein said microprocessor includes software enabling said microprocessor to direct the electronic mail system via said computer unit interface, wherein said verbal commands from said voice control system are utilized for operative control of a computer unit (col. 5 lines 35-40)

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636) as applied to claim 17 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 18, Knuth et al. in view of Ito et al. and Irribarren disclose the communication system for managing messages of claim 17. However, Knuth et al. in view of Ito et al. and Irribarren did not explicitly disclose wherein said verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit.

In the same field of endeavor of motion detecting system, Hartstein teaches verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer

display and are utilized for operative control of the computer unit (col. 3 lines 33-38; see Figure 3) in order to sense the movement of a person within the area of the computer system (30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit disclosed by Hartstein into messaging system of Knuth et al. in view of Ito et al. and Irribarren with the motivation for doing so would allow the motion detector sensing is applied to the computer system.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636) as applied to claim 16 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 19, Knuth et al. in view of Ito et al. and Irribarren disclose the communication system for managing messages of claim 16. However, Knuth et al. in view of Ito et al. and Irribarren did not explicitly disclose further comprising an audible reminder, wherein said audible reminder is programmable for delivery at a specified time.

In the same field endeavor of reminding message system, Hartstein teaches an audible reminder, wherein said audible reminder is programmable for

delivery at a specified time (col. 4 lines 3-23) in order to play the remind message to the person at specific date and time.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include audible reminder, wherein said audible reminder is programmable for delivery at a specified time disclosed by Hartstein into messaging system of Knuth et al. in view of Ito et al. and Irribarren with the motivation for doing so would allow the device to remind the person an event or an appointment for that specific day and time.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartstein (US# 6,483,695) in view of Ito et al. (US# 2001/0036264) and further in view of Irribarren (US# 5,349,636).

Referring to claim 20, Hartstein discloses a communication system for managing electronic messages, comprising: at least one motion detector (64) (i.e. motion detector), wherein said at least one motion detector (64) transmits a signal upon detection of motion within a selected range of said communication system, a microprocessor (46) (i.e. a CPU), wherein said microprocessor (46) receives said signal from said at least one motion detector (64), wherein said microprocessor (46) includes software enabling said microprocessor (46) to direct the electronic mail system (i.e. email) via a computer interface unit (30) (i.e. a computer with interface unit), wherein said verbal commands from a voice control system (52) (i.e. speech recognition circuit) are utilized for operative

control of a computer unit (30) (i.e. a computer), and wherein said microprocessor (46) receives commands from said voice control system (52) (i.e. speech recognition circuit) and utilizes a software programmed vocabulary to execute a control objective of each said command; a voice control system (52) (i.e. speech recognition circuit), said voice control system (52) having a microphone (52a) (i.e. microphone), said voice control system (52) enabling a user to verbally command said microprocessor (46); and wherein said voice control system (52) receives, recognizes and interprets a plurality of voice commands and directs said microprocessor (46) in accordance with a control objective of each said voice command (col. 2 line 56 to col. 3 line 46 and col. 4 lines 3-23; see Figures 3 and 4a);

a speaker (50) (i.e. speech synthesizer), wherein said speaker is activated by said microprocessor in response to said signal from said at least one motion detector (64) (i.e. motion detector) (col. 4 lines 13-15).

a computer interface unit (30) (i.e. a computer with interface unit), said computer interface unit enabling said microprocessor (46) (i.e. a CPU) to access and operate the electronic mail system (i.e. email) (col. 3 lines 35-46);

an audible reminder, wherein said audible reminder is programmable for delivery at a specified time col. 4 lines 3-23); and

a timer apparatus, wherein operation of said at least one motion detector may be selectively limited to at least one specified interval of said timer apparatus (col. 3 lines 35-43).

However, Hartstein did not explicitly disclose wherein said speaker audibly announces information regarding status and operation of an electronic mail system, and wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system.

In the same field of endeavor of electronic mail notification device, Ito et al. teach wherein said speaker (41) (i.e. speaker) audibly announces information regarding status and operation of an electronic mail system (page 5, paragraph 69) in order to hear the announcing of a call or an electronic mail.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a speaker audibly announces information regarding status and operation of an electronic mail system disclosed by Ito et al. into electronic messaging system of Hartstein with the motivation for doing so would allow the person to recognize of incoming messages.

However, Hartstein in view of Ito et al. did not explicitly disclose wherein said

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speaker is responsive to said microprocessor via said voice control system and audibly

communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system.

In the same field of endeavor of retrieving message system, Irribarren teaches wherein said

speaker (113) (i.e. a telephone with speaker) is responsive to said microprocessor (414) (i.e. a CPU) via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system(100) (i.e. text message system); a message monitoring means (504) (i.e. means indication of number of messages), wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system (col. 6 lines 61-67 and col. 7 lines 2-4; see Figures 3-4) in order to check the text message.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; a message monitoring means, wherein said

message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system disclosed by Irribarren into electronic messaging system of Hartstein with the motivation for doing so would allow the user to know the status of the electronic mail.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

